

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SMITH KLINE & FRENCH LABORATORIES,
LTD, and SMITHKLINE BEECHAM CORP.,
d/b/a GLAXOSMITHKLINE,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

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) Civil Action No. 05-197 (GMS)
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STIPULATION AND PROPOSED ORDER

WHEREAS the Court's August 8, 2005 Scheduling Order ("Scheduling Order") set a deadline of September 1, 2006 for plaintiffs Smith Kline & French Laboratories, Ltd. and SmithKline Beecham Corp., d/b/a GlaxoSmithKline (collectively "GSK") and defendant Teva Pharmaceuticals USA, Inc. ("Teva") to reach agreement on a schedule for exchanging drafts of the proposed Pretrial Order and requires the parties to seek the Court's assistance by September 8 if the parties are unable to reach agreement on their own,

WHEREAS the Court's Scheduling Order further required the parties to complete briefing on motions in limine by October 23, 2006 and identify *Daubert* issues by October 17, 2006 and scheduled a telephonic hearing on *Daubert* issues on October 24, 2006,

WHEREAS the Court's July 28, 2006 Order granting Teva's motion for leave to amend its answer altered deadlines for fact and expert discovery and for submission of the Pre-Trial Order as follows:

Deadline	Original Deadline from 8/8/05 Scheduling Order	Deadline in Court's 7/28/06 Order
Completion of Fact Discovery	May 31, 2006	August 17, 2006
Opening Expert Reports Due	June 28, 2006	September 1, 2006
Answering Expert Reports Due	August 2, 2006	September 22, 2006
Reply Expert Reports Due	August 23, 2006	October 6, 2006
Close of Expert Discovery	September 27, 2006	October 27, 2006
Pre-Trial Order Due	October 23, 2006	November 3, 2006

WHEREAS the Court's July 28, 2006 Order did not explicitly re-set the deadlines for the parties to submit briefs relating to motions in limine or raise *Daubert* issues or the date of the Court's telephonic hearing on *Daubert* issues,

WHEREAS the parties believe that it would be beneficial to the parties and the Court to re-set the deadlines for motion in limine briefing and for identifying and conducting a telephonic hearing on *Daubert* issues, and

NOW, THEREFORE, IT IS STIPULATED AND AGREED, subject to the approval and order of the Court, that:

1. The following deadlines for motion in limine briefing are extended as follows:

Deadline	Original Deadline from 8/8/05 Scheduling Order	Proposed New Deadline
Motion in Limine Briefing	Opening: October 11, 2006 Response: October 18, 2006 Reply: October 23, 2006	Opening: October 23, 2006 Response: October 30, 2006 Reply: November 6, 2006

2. The deadline for the parties to submit a joint agenda identifying *Daubert* issues is extended from October 17, 2006, as set in the Court's August 8, 2005 Scheduling Order, to November 3, 2006. The telephonic hearing on *Daubert* issues originally scheduled for 10:00

AM on October 24, 2006 is rescheduled for November 10, 2006 at a time convenient for the Court.

3. The parties have reached agreement on a schedule for the exchange of drafts of the parties' proposed Pretrial Order. The parties have further agreed that Teva will prepare the initial draft of the Pretrial Order, provided that Teva, as the party bearing the burden of proof on the issues of invalidity and inequitable conduct, will go first at trial in presenting its case-in-chief.

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SO ORDERED this _____ day of _____, 2006.

United States District Judge